

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

SEAN STEVEN ESCHELBACH,

Case No. 2:23-cv-01971-CDS-EJY

Plaintiff,

ORDER

v.

NEVADA DEPARTMENT OF
CORRECTIONS, *et al.*,

Defendants.

On November 27, 2023, Plaintiff, an inmate in the custody of the Nevada Department of Corrections, submitted a Civil Rights Complaint under 42 U.S.C. § 1983 (ECF No. 1-1); however, Plaintiff neither paid the \$402 filing fee for a civil action nor filed an application to proceed *in forma pauperis*. If Plaintiff wants to proceed without paying the filing fee he may do so under 28 U.S.C. § 1915(a) and Local Rule LSR 1-2. To apply for *in forma pauperis* status Plaintiff must submit **three** required documents to the Court. These include: (1) a completed **Application to Proceed in Forma Pauperis for Inmate**, on this Court's approved form (i.e. pages 1 through 3 with the inmate's two signatures on page 3), (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail official (i.e. page 4 of this Court's approved form), and (3) a copy of the **inmate's prison or jail trust fund account statement for the previous six-month period**.

Accordingly, IT IS HEREBY ORDERED that on or before **February 5, 2024**, Plaintiff must either pay the \$402 filing fee for a civil action or file with the Court: (1) a complete **Application to Proceed in Forma Pauperis for Inmate** on the Court's approved form; (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail official; and (3) a copy of the **inmate's prison or jail trust fund account statement for the previous six-month period**.

IT IS FURTHER ORDERED that failure to either pay the \$402 filing fee or file a complete application to proceed *in forma pauperis* on or before **February 5, 2024**, will result in a recommendation to dismiss this action **without prejudice**. A dismissal without prejudice allows Plaintiff to file his case with the Court, under a new case number, when he is able to comply with LSR 2-1 and file a complete application to proceed *in forma pauperis* or pay the required filing fee.

1 IT IS FURTHER ORDERED that the Court will retain Plaintiff's Complaint (ECF No. 1-1),
2 but will not file it at this time.

3 IT IS FURTHER ORDERED that the Clerk of the Court must send Plaintiff the approved
4 form application to proceed *in forma pauperis* for inmate along with the information and instructions
5 for filing the same.

6 DATED this 5th day of December, 2023.

7 
8 ELAYNA J. YOUCHAK
9 UNITED STATES MAGISTRATE JUDGE